

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: DECEMBER 6, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

**ABEYANCE - VAR-24774 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC.** - Request for a Variance TO ALLOW A SEVEN-FOOT REAR YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A SINGLE FAMILY DWELLING, DETACHED on 0.06 acres at 10715 Dedham Court (APN 137-12-113-029), PD (Planned Development) Zone [ML (Medium-Low Density Residential) Lone Mountain West Special Land Use Designation], Ward 4 (Brown)

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**3**

**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**2**

**City Council Meeting**

**0**

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/support postcards

Motion made by DAVID STEINMAN to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LEO DAVENPORT, GLENN TROWBRIDGE, DAVID STEINMAN, BYRON GOYNES, RICHARD TRUESDELL, STEVEN EVANS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-SAM DUNNAM)

NOTE: COMMISSIONER STEINMAN disclosed that he met MR. BRENT'S daughter and in speaking with her, discovered that he also knows MR. BRENT through SunCity association activities. He stated he would vote on the matter.

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 23-26.

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DOUG RANKIN, Planning and Development Department, clarified that the boundary line adjustment has not and will not record until the variance is approved.

TONY CELESTE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He noted that during construction of the step retaining walls, an error was made that deviated from the original approved site plans. Subsequently, the applicant approached the owners of the affected properties and obtained their signatures in support of the requested variance.

JASON BRENT, 10313 Winfield Place, appeared on behalf of his daughter, owner of Lot 28. He stated that all of the property owners were notified that the wall constituted their boundary line and believed the situation to be an honest mistake that can be corrected as proposed by the applicant. He noted that if the request were denied, there would be multiple lawsuits.

COMMISSIONER STEINMAN stated that correcting this situation would be a huge undertaking considering the drastic elevation changes. He asked whether the homes on Dedham Court would be offered for sale with 7-foot rear yards. MR. CELESTE replied affirmatively.

COMMISSIONER EVANS asked if there would be any public detriment as a result of the applicant's proposal to remedy the situation. MR. CELESTE reaffirmed that the property owners who were directly affected have been contacted.

CHAIRMAN DAVENPORT felt that the detriment would be to future homeowners whose rear yard setbacks would be seven feet.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 23-26.